

Appn. Number 09/641,410 (Kiely)

GAU I794

Response to Office Action

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Claims: 1 - 382 (canceled)

I claim:

383. (Currently amended): A ~~non-frozen~~ support for a frozen comestible comprising an edible confectionary material, ~~said edible confectionary material comprises~~ comprising two ingredient materials, wherein each of said two materials comprise one or a plurality of ingredients or substances, wherein each of said two materials pre-exist within said edible confectionary material ~~or two constituent ingredient materials.~~

384. (Currently amended): The support for a frozen comestible of claim 383 wherein each of said two ~~constituent~~ materials comprise a candy, a whipped confection, a mini colored candy chip, ~~a flavored candy chip~~, a mini size piece of candy, wherein said mini chip and said mini size piece of candy comprises a smaller size than a traditional size chocolate chip used for a chocolate chip cookie, a flavored candy chip, a nut, a candy bead, a fluid ingredient, an edible coating, an edible moisture resistant barrier, fudge, peanut butter, nougat, dried yogurt, mint, ginger, graham, a filling, cheese, gelatin, coconut, a binder, a cookie, a cracker, a wafer, a bread stick, a potato stick, a pretzel, a whole grain, chewing gum, or fruit.

385. (Currently amended): The support for a frozen comestible of claim 383 wherein said two constituent materials comprise said edible confectionary material.

386. (Currently amended): The support for a frozen comestible of claim 383 wherein said edible confectionary material comprises a bite size confectionary material ingredient placed inside or embedded in said support, wherein said bite size confectionary material ingredient comprises two ~~ingredient~~ materials, wherein each of said two ~~ingredient~~ materials comprise chocolate, fudge, ~~a chocolate chip chips~~, a rainbow chip chips, a candy, a toy shaped candy, or chewing gum, said bite size confectionary material ingredient comprises an ingredient in said support.

387. (Previously presented): The support for a frozen comestible of claim 383 wherein said edible confectionary material comprises a support.
388. (Currently amended): The support for a frozen comestible of claim 383 wherein said support edible confectionary material comprises a handle.
389. (Currently amended): The support for a frozen comestible of claim 383 wherein said support comprises ~~a single component~~ two materials comprise two mixed materials, two layered materials, two twisted materials, two swirled materials, two materials placed together, two attached materials, two materials placed concentrically, two materials placed diagonally, a coated material, two molded materials, or a combination thereof.
390. (Currently amended): The support for a frozen comestible of claim 383 wherein said edible confectionary material comprises an edible composite material, said ~~edible composite material comprises two ingredient materials within said edible composite material or two constituent ingredient materials~~ whereby a support may provide synergistic strength to sustain stress against breakage.
391. (Currently amended): The support for a frozen comestible of claim 383 wherein one of said two constituent materials comprises an edible hollow confection length, wherein the other of said two ~~constituent~~ materials comprises an edible filling placed in said hollow length, wherein said filling comprises a plurality of candy beads, colored sugar, flavored sugar, an edible confection rope, or a fluid ingredient, said two ~~ingredient~~ materials comprise two ~~ingredient~~ materials placed concentrically.
392. (Currently amended): The support for a frozen comestible of claim 385, further comprising ~~an ingredient in said edible confectionary material comprising a candy,~~ a mini colored chip chips, a flavored chip chips, a mini size piece pieces of candy,

crushed candy, a mini size piece pieces of individually coated candy, wherein said mini chip and said mini size piece of candy comprises a smaller size than a traditional size chocolate chip used for a chocolate chip cookie, a nut nuts, a candy bead beads, a fluid ingredient, chewing gum, an edible coating, an edible moisture barrier, shortening, oil, a cookie, a cracker, a wafer, a bread stick, a potato stick, a pretzel, fudge, peanut butter, cheese, a whole grain, wherein said whole grain comprises comprising crisped rice, granola, crushed comestibles, crumbs, cereal, nougat, yogurt, mint, ginger, graham, a filling, flavored sugar, colored sugar, gelatin, coconut, fruit, a binder, an edible material comprising two ingredient materials, an edible composite material, a soft gummy appendage, or a combination combinations thereof in said edible confectionary material.

393. (Currently amended): The support for a frozen comestible of claim 383, further comprising a supported frozen comestible, a plurality of supported frozen comestibles, a frozen support, a frozen supported comestible, a frozen plurality of supported comestibles, one or a plurality of cookies or comestibles supported on said frozen comestible, a lollipop, a mess guard, a drip guard, a coating, a coating on said supported comestible, an edible moisture resistant barrier, an inedible portion comprising wood, plastic, or paper, an inedible toy, a gummy appendage, a plurality of dried fruit puree strips, a plurality of loops to make an open or spherical support, colored sugar, flavored sugar, sprinkles, nuts, packaging, a combined disposable mold and packaging apparatus, wherein said combined disposable mold and packaging apparatus comprises comprising a stick alignment device, a gripping indentation indentations on in said support, a plurality of supports, a plurality of supports comprising a sandwiching support, a hollow support, ~~a~~ said frozen comestible supported in the core of ~~a~~ said support, a support for sharing, a freestanding portion, a plurality of handles, a wearable support, wherein said wearable support comprises a support placed on a finger, an edible ingredient material, a plurality of ingredient materials, one or a plurality of ingredients, a composite material, a material comprising two ~~ingredient~~ materials

attached to the inside or outside of a ~~of said~~ support, an edible material comprising two materials placed outside of said frozen comestible, a single component composite material confection bar, a void in said support, a heated support, an operative or functional portion on said support, wherein said operative or functional portion comprises a curved portion so as to rock said support back and forth on a surface, a wheel shaped portion so as to roll said support along a surface, a flat portion for display, or a hanger shaped portion so as to hang said support, a plurality of voids in said support, or a combination combinations thereof.

394. (Currently amended): A support for a frozen comestible comprising an edible composite material, ~~said edible composite material comprises two ingredient materials within said edible composite material or two constituent ingredient materials.~~

395. (Currently amended): The support for a frozen comestible of claim ~~399~~ 394 wherein each of said two ~~constituent ingredient~~ materials comprise a candy, a whipped confection, a mini colored candy chip, ~~a flavored candy chip~~, a mini size piece of candy, wherein said mini chip and said mini size piece of candy comprises a smaller size than a traditional chip used for a chocolate chip cookie, a flavored candy chip, a nut, a candy bead, a fluid ingredient, an edible coating, an edible moisture resistant barrier, fudge, peanut butter, cheese, nougat, dried yogurt, mint, ginger, graham, a filling, gelatin, coconut, a binder, a cookie, a cracker, a wafer, a bread stick, a potato stick, a pretzel, a whole grain, chewing gum, or fruit.

396. (Currently amended): The support for a frozen comestible of claim ~~399~~ 394 wherein said two ~~constituent ingredient~~ materials comprise said edible composite material.

397. (Currently amended): The support for a frozen comestible of claim 394 wherein said edible composite material comprises a bite size material ingredient placed

inside or embedded in said support, wherein said bite size material ingredient comprises two ingredient materials, wherein each of said two ingredient materials comprise chocolate, fudge, a chocolate chip chips, a rainbow chip chips, a candy, a toy shaped candy, or chewing gum, wherein said bite size material ingredient comprises an ingredient in said support.

398. (Currently amended): The support for a frozen comestible of claim 394 wherein said edible composite material support comprises a handle.

399. (Currently amended): The support for a frozen comestible of claim 394 wherein said support comprises a non-frozen support edible composite material comprises two materials.

400. (Currently amended) The support for a frozen comestible of claim ~~394~~ 399 wherein said support comprises a single component two materials comprise two mixed materials, two layered materials, two twisted materials, two swirled materials, two materials placed together, two attached materials, two materials placed concentrically, two materials placed diagonally, a coated material, two molded materials, or a combination thereof, wherein each of said two materials comprises one or a plurality of ingredients or substances, wherein each of said two materials pre-exist said edible composite material.

401. (Currently amended): The support for a frozen comestible of claim 396, further comprising ~~an ingredient in said edible composite material comprising~~ a candy, a mini colored chip, a ~~flavored chip~~, a mini size piece pieces of candy, wherein said mini chip and said mini size piece of candy comprises a smaller size than a traditional chip used for a chocolate chip cookie, a flavored chip, crushed candy, a mini size piece pieces of individually coated candy, a nut nuts, a candy bead beads, a fluid ingredient, chewing gum, an edible coating, an edible moisture barrier, shortening, oil, a cookie, a cracker, a wafer, a bread stick, a potato stick, a pretzel,

fudge, peanut butter, cheese, whole grain, wherein said whole grain comprises comprising crisped rice, granola, crushed comestibles, crumbs, cereal, nougat, yogurt, mint, ginger, graham, a filling, flavored sugar, colored sugar, gelatin, coconut, fruit, a binder, an edible material comprising two ingredient materials, an edible composite material, one or a plurality of edible ingredient materials, one or a plurality of ingredients, a gummy appendage, or a combination combinations thereof in said edible composite material.

402. (Currently amended): The support for a frozen comestible of claim 394, further comprising a supported frozen comestible, a plurality of supported frozen comestibles, a frozen support, a frozen supported comestible, a frozen plurality of supported comestibles, one or a plurality of cookies or comestibles supported on a said frozen comestible, a lollipop, a mess guard, a drip guard, a coating, an edible coating on said supported comestible, an edible moisture resistant barrier, an inedible portion comprising wood, plastic, or paper, an inedible toy, a gummy appendage, a plurality of dried fruit puree strips, colored sugar, flavored sugar, sprinkles, a nut nuts, packaging, a combined disposable mold and packaging apparatus, wherein said combined disposable mold and packaging apparatus comprises comprising a stick alignment device, a gripping indentation indentations on in said support, a plurality of supports, a plurality of supports comprising a sandwiching support, a hollow support, a said frozen comestible supported in the core of a said support, a push up sleeve device or barrel, a support for sharing, a freestanding portion, a plurality of handles, a wearable support, wherein said wearable support comprises a support placed on a finger, an edible ingredient material, a plurality of ingredients in said edible composite material, a composite material, a material comprising two ingredient materials attached to the outside of a said support, an edible material comprising two edible materials placed on the outside of a frozen comestible, a single-component composite material confection bar, a plurality of ingredient materials in said support, a plurality of ingredient materials in said edible composite material, a void in said support, a plurality of

voids in said support, a heated support, an operative or functional portion on said support, wherein said operative or functional portion comprises a curved portion so as to rock said support back and forth on a surface, a wheel shaped portion so as to roll said support along a surface, a flat portion for display, or a hanger shaped portion so as to hang said support, or a combination ~~combinations~~ thereof.

403. (Currently amended): A ~~non-frozen~~ support for a frozen comestible comprising ~~a~~ an edible material comprising two ~~ingredient~~ materials, wherein each of said two materials comprise one or a plurality of ingredients or substances, wherein each of said two materials pre-exist said edible material ~~within said edible material or two constituent ingredient materials~~ and means for making said support.

404. (Previously presented): The support for a frozen comestible of claim 403, further comprising a frozen comestible and means for making a frozen supported comestible.

405. (Currently amended): A method of making a support for a frozen comestible comprising comprising an edible confectionary material comprising two ~~ingredient~~ materials, wherein each of said two materials comprise one or a plurality of ingredients or substances, wherein each of said two materials pre-exist said edible confectionary material ~~within said edible material or two constituent ingredient materials in a support for a frozen comestible, wherein said two constituent ingredient materials comprise said edible material.~~

406. (Currently amended): The method of making a support for a frozen comestible of claim 405 wherein each of said two ~~constituent~~ materials comprise a candy, a whipped confection, a mini colored candy chip, ~~a flavored candy chip~~, a mini size piece of candy, said mini colored chip and said mini size piece of candy comprises a smaller size than a traditional chip used for a chocolate chip cookie, a flavored candy chip, a nut, a candy bead, a fluid ingredient, an edible coating, an edible moisture resistant barrier, fudge, peanut butter, cheese, nougat, a whole grain,

dried yogurt, mint, ginger, graham, a filling, gelatin, a binder, a cookie, a cracker, a wafer, a bread stick, a potato stick, a pretzel, chewing gum, or fruit.

407. (Canceled)

408. (Currently amended): The method of making a support for a frozen comestible of claim 405 wherein said method of making edible material comprises mixing said two materials, layering said two materials, twisting said two materials, swirling said two materials, placing said two materials together, attaching said two materials, placing said two materials concentrically, placing said two materials diagonally, coating one material with the other of said two materials, molding said two constituent materials, or a combination thereof ~~a non-frozen material, a support, a non-frozen support, a handle, a confectionary material, a composite material, a composite material confection bar, a single component support, a hollow support, a wearable support, a display, a bite size ingredient placed inside or embedded in said support, two twisted ingredient materials, two mixed ingredient materials, two attached ingredient materials, two molded ingredient materials, two layered materials, two swirled ingredient materials, two concentrically placed ingredient materials, two ingredient materials placed together, two composite ingredients, or combinations thereof.~~

409. (Previously presented): The method of making a support for a frozen comestible of claim 405, further comprising supporting a frozen comestible.

410. (Currently amended): The support for a frozen comestible of claim 405 wherein said two materials comprise said edible confectionary material further comprising freezing said support.

411. (Previously presented): The method of making a support for a frozen comestible of claim 409, further comprising freezing said support and said supported frozen



comestible

412. (Currently amended): A method of making a support for a frozen comestible comprising comprising an edible confectionary composite material comprising two materials to make in a support for a frozen comestible materials, wherein each of said two materials comprise one or a plurality of ingredients or substances, wherein each of said two materials pre-exist said edible confectionary material, ~~said edible composite material comprises two ingredient materials within said edible composite material or two constituent ingredient materials, wherein said two constituent ingredient materials comprise said edible composite material, whereby a support may provide synergistic strength to sustain stress against breakage to support a frozen comestible, while also providing a long lasting support with a variety of edible taste and texture combinations.~~

413. (Currently amended): The method of making a support for a frozen comestible of claim 412 wherein said edible composite confectionary material comprises a non-frozen material, a support, a handle, a composite confectionary material, a composite material confection bar, ~~a single component support, a non-frozen support,~~ a hollow support, a wearable support, wherein said wearable support comprises a support placed on a finger, a display, a bite size material ingredient placed inside or embedded in said support, two twisted constituent materials, two mixed constituent materials, two attached constituent materials, two molded constituent materials, two layered constituent materials, two swirled constituent materials, two materials placed concentrically placed constituent materials, a coated material, two constituent materials placed together, two composite ingredients, or combinations a combination thereof.

414. (Canceled)

415. (Previously presented): The method of making a support for a frozen comestible of claim 412, further comprising supporting a frozen comestible.

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416. (Currently amended): The method of making a support for a frozen comestible of claim 415, further comprising freezing said support and said supported frozen comestible.
417. (New): The method of making a support for a frozen comestible of claim 405 wherein said edible confectionary material comprises a composite material.
418. (New): The method of making a support for a frozen comestible of claim 410 further comprising a candy, a mini colored chip, a mini size piece of candy, a mini size piece of individually coated candy, wherein said mini chip and said mini size piece of candy comprises a smaller size chip than a traditional size chocolate chip used for a chocolate chip cookie, a flavored chip, crushed candy, a nut, a candy bead, a fluid ingredient, chewing gum, an edible coating, an edible moisture barrier, shortening, oil, a cookie, a cracker, a wafer, a bread stick, a potato stick, a pretzel, fudge, peanut butter, cheese, a whole grain, wherein said whole grain comprises crisped rice, granola, crushed comestibles, crumbs, cereal, nougat, yogurt, mint, ginger, graham, a filling, flavored sugar, colored sugar, gelatin, coconut, fruit, a binder, a composite material, a soft gummy appendage, or a combination thereof in said edible confectionary material.